

**ASSEMBLY BILL**

**No. 1801**

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**Introduced by Assembly Member Campos**

February 21, 2012

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An act to amend Section 66014 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1801, as introduced, Campos. Land use: fees.

Existing law requires fees charged by a local agency for specified purposes to not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of this cost is submitted to, and approved by,  $\frac{2}{3}$  of the electors.

This bill would prohibit a local agency from charging a fee for permit for a renewable energy system, as defined, that exceeds the actual cost of issuing the permit.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 66014 of the Government Code is  
2     amended to read:  
3     66014. (a) (1) Notwithstanding any other ~~provision of~~ law,  
4     when a local agency charges fees for zoning variances; zoning  
5     changes; use permits; building inspections; building permits; filing  
6     and processing applications and petitions filed with the local  
7     agency formation commission or conducting preliminary

1 proceedings or proceedings under the Cortese-Knox-Hertzberg  
2 Local Government Reorganization Act of 2000, Division 3  
3 (commencing with Section 56000) of Title 5; the processing of  
4 maps under the provisions of the Subdivision Map Act, Division  
5 2 (commencing with Section 66410) of Title 7; or planning services  
6 under the authority of Chapter 3 (commencing with Section 65100)  
7 of Division 1 of Title 7 or under any other authority; those fees  
8 ~~may~~ shall not exceed the estimated reasonable cost of providing  
9 the service for which the fee is charged, unless a question regarding  
10 the amount of the fee charged in excess of the estimated reasonable  
11 cost of providing the services or materials is submitted to, and  
12 approved by, a popular vote of two-thirds of those electors voting  
13 on the issue.

14 (2) (A) *Notwithstanding paragraph (1), a local agency shall*  
15 *not charge a fee for a renewable energy system permit that exceeds*  
16 *the actual cost of issuing the permit.*

17 (B) *“Renewable energy” means either of the following:*

18 (i) *A device or technology that conserves or produces heat,*  
19 *processes heat, space heating, water heating, steam, space cooling,*  
20 *refrigeration, mechanical energy, electricity, or energy in any*  
21 *form convertible to these uses, that does not expend or use*  
22 *conventional energy fuels (oil, gasoline, or natural gas), and that*  
23 *uses biomass, solar thermal, photovoltaic, wind, or geothermal*  
24 *electrical generation technologies.*

25 (ii) *Ultralow-emission equipment for energy generation based*  
26 *on thermal energy systems such as natural gas turbines and fuel*  
27 *cells.*

28 (b) The fees charged pursuant to subdivision (a) may include  
29 the costs reasonably necessary to prepare and revise the plans and  
30 policies that a local agency is required to adopt before it can make  
31 any necessary findings and determinations.

32 (c) Any judicial action or proceeding to attack, review, set  
33 aside, void, or annul the ordinance, resolution, or motion  
34 authorizing the charge of a fee subject to this section shall be  
35 brought pursuant to Section 66022.